

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRANDON J. RUBIO,

Plaintiff,

v.

MASON COUNTY, et al.,

Defendants.

Case No. C23-5435-JLR-SKV

ORDER RE: MOTIONS TO APPOINT
COUNSEL

Plaintiff proceeds *pro se* and *in forma pauperis* (IFP) in this 42 U.S.C. § 1983 civil rights action relating to his confinement at Mason County Jail. Plaintiff filed two motions to appoint counsel. Dkts. 24 & 27. Having now considered those motions, the Court finds as follows:

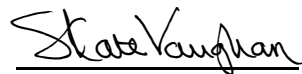
(1) There is no right to have counsel appointed in cases brought under § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding IFP, it may do so only upon a showing of exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the individual to articulate his claims *pro se* in light of the complexity of the legal issues involved. *Id.*

1 In his motions, Plaintiff describes his extensive, but unsuccessful efforts to obtain
2 counsel. Dkts. 24 & 27. He asserts his belief that his claims are complex and meritorious, states
3 that his imprisonment will greatly limit his ability to litigate, and notes that he has limited access
4 to the law library and limited knowledge of the law. *Id.*

5 The Court, however, finds that the record in this case is not yet sufficiently developed for
6 the Court to make a determination as to either the likelihood of success on the merits or
7 Plaintiff's ability to articulate his claims pro se. Based on the information available at this
8 juncture, the Court concludes Plaintiff has not demonstrated that his case involves exceptional
9 circumstances warranting the appointment of counsel. Plaintiff's motions for the appointment of
10 counsel, Dkts. 24 & 27, are therefore denied. The denial is without prejudice to the renewal of
11 the request at a later date.

12 (2) The Clerk is directed to send copies of this Order to the parties and to the
13 Honorable James L. Robart.

14 Dated this 11th day of December, 2023.

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16 S. KATE VAUGHAN
17 United States Magistrate Judge
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